

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

Case No. 7-24-cv-09071

JOLEEN DELGADO,

Petitioner,

v.

JUDGE KEVIN RUSSO,

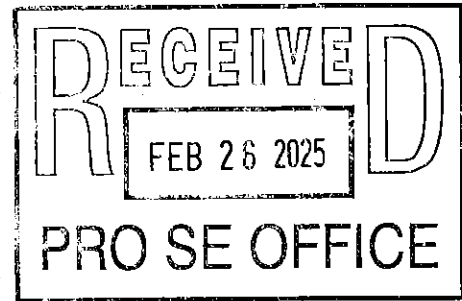
Respondent.

MOTION FOR PROTECTIVE ORDER

COMES NOW, Joleen Delgado, sui juris, and respectfully moves this Honorable Court for a Protective Order against Judge Kevin Russo, pursuant to federal removal statutes under 28 U.S.C. § 1441 or § 1442, and relevant case law, including *Marbury v. Madison*, 5 U.S. 137 (1803), *Ex Parte Young*, 209 U.S. 123 (1908), and *Pulliam v. Allen*, 466 U.S. 522 (1984). This motion is made on the grounds of unlawful intimidation, harassment, and retaliation under color of law, following the removal of the case to federal jurisdiction.

JURISDICTION AND LEGAL BASIS

1. This Court has jurisdiction under 28 U.S.C. § 1441 (Removal of Civil Actions) and 28 U.S.C. § 1442 (Federal Officer Removal Statute) due to the removal of the case from state to federal court.
2. Under *Marbury v. Madison*, 5 U.S. 137 (1803), no state court judge, including Judge Kevin Russo, retains jurisdiction post-removal.
3. *Ex Parte Young*, 209 U.S. 123 (1908), allows federal courts to grant injunctive relief against state officials acting outside of their lawful authority.
4. *Pulliam v. Allen*, 466 U.S. 522 (1984), authorizes injunctive and declaratory relief against judicial officers who violate federal law.
5. 28 U.S.C. § 1651 (All Writs Act) grants federal courts the authority to issue necessary writs to protect their jurisdiction.



MEMO ENDORSED

6. 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights) prohibits any person acting under color of state law from depriving another of rights secured by the Constitution and laws of the United States.

7. 18 U.S.C. § 242 (Deprivation of Rights Under Color of Law) criminalizes willful deprivation of constitutional rights under color of law.

8. 18 U.S.C. § 241 (Conspiracy Against Rights) prohibits two or more persons from conspiring to intimidate or threaten any person in the exercise of their constitutional rights.

9. 18 U.S.C. § 1503 (Obstruction of Justice) prohibits corrupt attempts to influence, intimidate, or impede a party or witness in federal judicial proceedings.

STATEMENT OF FACTS

1. Petitioner filed for the removal of the case from Rockland County Court to federal court under 28 U.S.C. § 1441 or § 1442, effectively transferring jurisdiction to this Honorable Court.

2. Despite proper service of the Notice of Removal, Judge Kevin Russo has continued to communicate and correspond with Petitioner regarding the removed case.

3. These communications are outside the scope of Judge Kevin Russo's authority, constituting acts under color of law in violation of 18 U.S.C. § 242 and 18 U.S.C. § 241.

4. Petitioner reasonably perceives these continued communications as intentional intimidation and harassment, causing fear for her safety and the safety of her family.

5. These actions constitute obstruction of justice under 18 U.S.C. § 1503, as they are intended to intimidate and impede Petitioner's lawful pursuit of federal judicial relief.

6. Petitioner has the constitutional right to due process and equal protection under the Fifth and Fourteenth Amendments, which are being violated by Judge Kevin Russo's continued actions.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Honorable Court to:

1. Issue an immediate Protective Order restraining Judge Kevin Russo from any further communication, correspondence, or contact with Petitioner, directly or indirectly, regarding the removed case.

2. Enjoin Judge Kevin Russo from any form of intimidation, harassment, or retaliation against Petitioner or her family members, in violation of 18 U.S.C. § 242 and 18 U.S.C. § 241.

3. Declare that Judge Kevin Russo has no jurisdiction over the removed case under 28 U.S.C. § 1441 or § 1442 and any further actions would violate federal law.

4. Order enforcement under 28 U.S.C. § 1651 (All Writs Act) to protect the jurisdiction of this Honorable Court and prevent further obstruction of justice.

5. Refer the matter to the U.S. Attorney's Office for investigation of potential violations under 18 U.S.C. § 241, § 242, and § 1503.

6. Grant any other relief deemed just and equitable by this Honorable Court to safeguard Petitioner's constitutional rights.

Respectfully submitted,

Joleen Delgado

Sui Juris

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Date: February 24, 2025

Joleen Delgado 2/24/2025

Enrique A. Perez 2/24/2025

ENRIQUE A. PEREZ
Notary Public of New York
REGISTRATION #01PE6433060
COMMISSION EXPIRES 05/09/2026

Application DENIED. This matter is closed. See ECF No. 8. The Clerk of Court is directed to terminate ECF No. 10 and close the case.

SO ORDERED.

Jessica Clarke

JESSICA G. L. CLARKE
United States District Judge

Dated: March 3, 2025
New York, New York